

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, June 9, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Planning Commission

1. Meeting of May 12, 2015.

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

1. Continued Agency Hearing (NONE)

2. New Agency Hearing

- a. Class IV Zoning Permit Z-IV-2015-17, Use Permit U-2015-16 and Variance Permit V-2015-3 for the installation and to deviate from the height requirements for 12 antennas and associated improvements situated atop the Waialeale Wing of the Kauai Marriott Resort facility in Nawiliwili, further identified as 3610 Rice Street, Tax Map Key (4) 3-5-002: 002, and affecting a parcel approx. 32.79 acres in size = **Verizon Wireless**. [Director's Report received 5/26/15.]
POSTPONED.

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

2. New Agency Hearing (Cont'd)

- b. Class IV Zoning Permit Z-IV-2015-18, Use Permit U-2015-17 and Variance Permit V-2015-4 to allow installation and height variance for a 70 ft. high stealth monopine tower and associated equipment on a parcel situated in Hanamaulu, along the mauka side of Kuhio Highway and approx. 900 ft. north of the Laukona Street/Kuhio Highway intersection, further identified as Tax Map Key (4) 3-8-002: 001, and affecting a 2,500 sq. ft. portion of a larger parcel approx. 1, 114.913 acres in size = ***Verizon Wireless***. [Director's Report received 5/26/15.] **POSTPONED.**

- c. Class IV Zoning Permit Z-IV-2015-19 and Use Permit U-2015-18 to construct two (2) portable classroom buildings on the Koloa Elementary School campus, further identified as 3223 Poipu Road, Tax Map Key (4) 2-8-010: 011, and affecting a portion of a larger parcel approx. 7.84 acres in size = ***State of Hawaii, Department of Education***. [Director's Report received 5/26/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

- d. Class IV Zoning Permit Z-IV-2015-20 and Use Permit U-2015-19 to facilitate relocation of an existing portable classroom building from an offsite location and allow its installation on the Kekaha Elementary School campus, further identified as 8140 Kekaha Road, Tax Map Key (4) 1-3-002: 001, and affecting a portion of a larger parcel approx. 7.2 acres in size = ***State of Hawaii, Department of Education***. [Director's Report received 5/26/15.]

1. Supplemental No. 1 Director's Report pertaining to this matter.

3. Continued Public Hearing (NONE)

4. New Public Hearing (NONE)

5. All remaining public testimony pursuant to HRS 92 (Sunshine Law)

G. CONSENT CALENDAR

1. Status Reports (NONE)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 6/23/15.

- a. Class IV Zoning Permit Z-IV-2015-15, Use Permit U-2015-14 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Kuamoo Road in Wailua Homesteads, situated within the Wailua Terrace Subdivision and approx. 125 ft. south of the Ohelo Road/Kuamoo Road intersection, further identified as 5663 Ohelo Road, Tax Map Key 4-2-009: 011, and containing a total area of 18,739 sq. ft. = ***Mohala Ke Ola Management, LLC***.

1. Director's Report pertaining to this matter.

G. CONSENT CALENDAR (Cont'd)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 6/23/15. (Cont'd)

- b. Class IV Zoning Permit Z-IV-2015-21, Use Permit U-2015-20 and Special Permit SP-2015-5 to allow conversion of an existing residence into a homestay operation on a parcel located along the western side of Hailima Road in Lawai, situated immediately across its intersection with Aka Road, further identified as 3307 D Hailima Road, Tax Map Key 2-6-001: 091, CPR Unit 2, and containing a total area of 67,236 sq. ft. = ***Michael Levy & Alexis Boilini Trust.***

1. Director's Report pertaining to this matter.

- c. Class IV Zoning Permit Z-IV-2015-22, Use Permit U-2015-21 and Special Management Area Use Permit SMA(U)-2015-8 to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Weke Road in Hanalei Town, situated at its intersection with He'e Road, further identified as 5404 Weke Road, Tax Map Key 5-5-004: 015, and containing a total area of 6,048 sq. ft. = ***Parnell H. & Michelle I. Kaiser.***

1. Director's Report pertaining to this matter.

- d. Class IV Zoning Permit Z-IV-2015-23 and Use Permit U-2015-22 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Kipuka Street in the Weliweli Houselots Subdivision in Poipu, situated approx. 150 ft. east of the Muku Place/Kipuka Street intersection, further identified as 1960 Muku Place, Tax Map Key 2-8-024: 020, and containing a total area of 11,174 sq. ft. = ***Bret K. & Ellen Knopf, Trust.***

1. Director's Report pertaining to this matter.

- e. Class IV Zoning Permit Z-IV-2015-24 and Use Permit U-2015-23 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Liliuokalani Street in Kilauea, situated at its intersection with Kolo Road, further identified as 2535 Liliuokalani Street, Tax Map Key 5-2-011: 038, and containing a total area of 1.956 acres = ***Nicki Lorayn Pignoli Trust.***

1. Director's Report pertaining to this matter.

- f. Class IV Zoning Permit Z-IV-2015-25 and Use Permit U-2015-24 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Aka Road in Lawai, situated approx. 450 ft. south of the Kiani Road/Aka Road intersection, further identified as 3265 Huaka Road, Tax Map Key 2-6-013: 046, and containing a total area of 8,751 sq. ft. = ***Darryl L. Chong/Julie Beth K. Simeona Chong.***

1. Director's Report pertaining to this matter.

- g. Class IV Zoning Permit Z-IV-2015-26, Use Permit U-2015-25 and Special Permit SP-2015-6 to allow conversion of an existing residence into a homestay operation on a parcel located along the eastern side of Kua Road in Lawai Valley, further identified as 4896 Kua Road, Tax Map Key 2-5-002: 037, and containing a total area of 3.089 acres = ***William I. & Catherine F. Cowern.***

1. Director's Report pertaining to this matter.

G. CONSENT CALENDAR (Cont'd)

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing on 6/23/15. (Cont'd)

- h. Class IV Zoning Permit Z-IV-2015-27, Use Permit U-2015-26 and Special Permit SP-2015-7 to allow conversion of an existing residence into a homestay operation on a parcel located along the makai side of Kalihiwai Road in Kilauea, situated approx. ¼-mile north of its intersection with Kuhio Highway, further identified as 2828 P Kalihiwai Road, Tax Map Key 5-2-010: 031, CPR Unit 2, and affecting an area approx. 3.167 acres of a larger parcel = ***Steven V. Ruddell/Marlyn W. Ruddell, Trust.***

1. Director's Report pertaining to this matter.

- i. Class IV Zoning Permit Z-IV-2015-28, Use Permit U-2015-27 and Special Permit SP-2015-8 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Kahiliholo Road in Phase 2 of the Kalihiwai Ridge Subdivision in Kilauea, situated at the terminus of Kahiliholo Road, further identified as 6241 Kahiliholo Road, Tax Map Key 5-2-022: 014, CPR Unit 2, and affecting an area approx. 3.479 acres of a larger parcel = ***Susan Gailey Trust/Kim E. Richard Trust.***

1. Director's Report pertaining to this matter.

- j. Class IV Zoning Permit Z-IV-2015-29, Use Permit U-2015-28 and Special Permit SP-2015-9 to allow conversion of an existing residence into a homestay operation on a parcel located along the mauka side of Koloa Road in Lawai, situated approx. 500 ft. north of the Mana Hema Place/Koloa Road intersection, further identified as 3528 B Mana Hema Place, Tax Map Key 2-5-005: 080, CPR Unit 1, and affecting an area approx. 1.032 acres of a larger parcel = ***John R. & Lorna E. Hoff, Trust.***

1. Director's Report pertaining to this matter.

- k. Class IV Zoning Permit Z-IV-2015-30, Use Permit U-2015-29 and Special Permit SP-2015-10 to allow conversion of an existing residence into a homestay operation on a parcel located along the southern side of Kalama Road in Wailua Homesteads, situated approx. 2,000 ft. west of its intersection with Opaekaa Road, further identified as 6471 Kalama Road, Tax Map Key 4-2-002: 026, CPR Unit 2, and affecting an area approx. 3.68 acres of a larger parcel = ***Samuel A. & Eugenia Caliendo.***

1. Director's Report pertaining to this matter.

- l. Class IV Zoning Permit Z-IV-2015-31 and Use Permit U-2015-30 to allow construction of a farmworker housing unit featuring 2 bedrooms/2 bathrooms and office space on a parcel located along the makai side of Koolau Road in Moloaa, situated approx. ½-mile east of its intersection with Kuhio Highway, further identified as 6020 Koolau Road, Tax Map Key 4-9-009: 012, CPR Unit 43 and affecting an area approx. 2.564 acres of a larger parcel = ***John & May Outzen.***

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION (NONE)

I. GENERAL BUSINESS MATTERS

1. Petition for a Declaratory Order by *Dolphin House Estates LLC* Concerning the Operation of a Transient Vacation Rental Without a Non-Conforming Use Certificate (TMK 5-2-004: 064: 0003) filed on 6/2/15 (Contested Case No. 2015-12).
 - a. Clerk of the Commission's Recommendation that the Planning Commission order an agency hearing be scheduled at its August 11, 2015 meeting to ensure all affected parties are at the table concerning disposition of this Declaratory Order Petition and to allow for proper procurement to post public notices.

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS (NONE)

L. UNFINISHED BUSINESS (For Action)

M. NEW BUSINESS

1. For Action – See Agenda F for Project Descriptions

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, June 23, 2015.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING

Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawaii 96766

Tuesday, June 9, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of May 12, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Action

- a. Subdivision Application No. S-2015-15
(Waioli Surf Shack Holdings, LLC.)
Proposed 2-lot Consolidation
TMK: (4) 5-5-005:011 & 012
Waioli, Hanalei, Kauaʻi

1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) Continued

1. Tentative Subdivision Action (Cont'd)
 - b. Subdivision Application No. S-2015-16
(Guerber Family Trust & Kaua'i Brewers, LLC.)
Proposed 2-lot Consolidation
TMK: (4) 3-6-009:034 & 035
Līhu'e, (Puna), Kaua'i
 1. Subdivision Report pertaining to this matter.
2. Final Subdivision Action
 - a. Subdivision Application No. S-2013-04
(Kukui'ula Development Co. (Hawai'i) LLC.)
Proposed 2-lot Subdivision
TMK: (4) 2-6-015:014
Kōloa (Makai) and Lawa'i, Kōloa, Kona, Kaua'i
 1. Subdivision Report pertaining to this matter.
 - b. Subdivision Application No. S-2014-17
(State of Hawai'i)
Proposed 2-lot Subdivision
TMK: (4) 3-6-005:011
Kalapakī, Līhu'e (Puna), Kaua'i
 1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Suite A473, Līhu'e, Hawai'i 96766. Telephone: (808) 241-4050.

Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2015-34	Darcy McCartney	1-3-004:0089	Kekaha	Relocate SFR, meets requirements
SSD-2015-35	Monica Horgan	5-5-001:040	Hanalei	Gazebo & Wall, meets requirements
SSD-2015-37	Barnet & Julie Feinblum	5-3-004:030	Kilauea	Rock wall and columns, meets requirements
SSD-2015-38	Mary Hayes	1-6-006:044	Waimea	Renovation and sheds, meets requirements
SSD-2015-39	John and Wendy Cadeddu	4-9-004:015	Anahola	SFR, meets requirements

SHORELINE SETBACK DETERMINATIONS NOT APPLICABLE

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2015-32	Dave Whitaker	2-8-017:007	Koloa	Withdrawn
	Colin Shimokawa	3-5-001:027,0173	Lihue	N/A
	National Tropical Botanical Gardens	2-6-003:063	Koloa	N/A